

COUNTY OF PLACER
DEPARTMENT OF HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH DIVISION

RICHARD J. BURTON, M.D., M.P.H.
DIRECTOR AND HEALTH OFFICER



JILL PAHL, R.E.H.S.
ENVIRONMENTAL HEALTH DIRECTOR

October 17, 2006

Certified Mail

Don Johnson
Assistant Secretary
California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Dear Mr. Johnson:

Attached is a status report regarding the deficiencies identified as a result of the evaluation of the Placer County CUPA on July 19 and 20, 2006. Should you have any questions or comments please contact Deborah Kirschman at (530) 745-2300.

A handwritten signature in cursive script, reading "Jill Pahl".

Sincerely,

Jill Pahl, REHS
Environmental Health Director

Cc: Ms. JoAnn Jaschke
Cal EPA
1001 I Street
Sacramento, CA 95812

Ref:coverlettercupaauditstatusrteportoct06

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JoAnn Jaschke
Cal EPA Unified Program
1001 I Street, P. O. Box 2815
Sacramento, Ca 95812-2815

Subject: **Placer County CUPA Corrective Action Status Report-
evaluation dates July 19 and 20, 2006**

Dear Ms. Jaschke:

The following represents an update on our progress correcting the deficiencies found during the subject audit:

Deficiencies 2,7 and 9

-Described as "considered corrected at the time of audit".

Deficiencies 4,5 and 6

-A meeting is scheduled with the accounting staff responsible for CUPA to State reporting in order to outline what will be required to fulfill reporting requirements and specifically to ensure that fee data can be accurately extracted and inspection data reported. It is anticipated that accounting and IT staff will make the necessary modifications.

Deficiency 1

-The CUPA staff members have been reminded to ensure that there is a written record verifying that all cited violations have been corrected. Facilities not certifying a return to compliance will receive appropriate follow up such as marking the original notice when compliance is established or conducting a re-inspection.

Deficiency 3

-By June 30, 2007, and annually thereafter, we will conduct a Cal ARP performance audit. We have begun work on a draft format for the audits.

Deficiency 8

-This portion of the EIP has been updated (see attached revised page 5).

Deficiency 10

- The CUPA staff members have been reminded of the proper documentation of violations found during facility inspections including observations, review of documents, and any corrective actions required. In addition, it is anticipated that the forthcoming FIS program (use of tablet PC'S for inspections) will facilitate violation classification and, hopefully, data entry. In the interim we will investigate modifications to the Envision system to permit coding of violations from daily activity reports.

Deficiency 11

-The EIP has been revised to identify these inspection frequencies as goals (see attached revised pages 6 and 7). We intend to request that functional queries be developed in our data base (Envision) in order to ensure the inspection frequency goals are met.

-We have completed a review of our past activities relative to those CESQG's that handle hazardous materials at below HMBP thresholds. These activities included:

- maintenance of a data base (list) of such CESQG's
- providing information on proper waste management to same
- investigating complaints
- records indicate a small number of inspections at such generators have been conducted each year

-The EIP has been updated (see attached revised page 7) to reflect our intention to conduct oversight of California CESQG's and Small Quantity Handlers of Universal Waste in a manner consistent with the position that was expressed by the California CUPA Forum in a letter dated May 8, 2001. We believe our current activity levels may well meet the aforementioned criteria, specifically, expending 5 % of our hazardous waste resources to promote compliance. In addition, to further ensure the criteria will be met, we have established the goal of approximately 10 CESQG "spot check" inspections per year.

Deficiency 12

-The CUPA staff members have been reminded of the requirement to obtain current inventories or certifications. Certification statements are mailed each year to facilities along with program fee notices. During facility inspections plans are reviewed and updates (and overdue certifications) are either obtained during the inspection or a request is made that they be submitted within 30 days. Follow up includes re-inspections, letters and phone calls.

Deficiency 13

-The staff member responsible for the Cal ARP program has been directed to complete inspections of at least one third of the stationary sources by July 20, 2007.

Deficiency 14

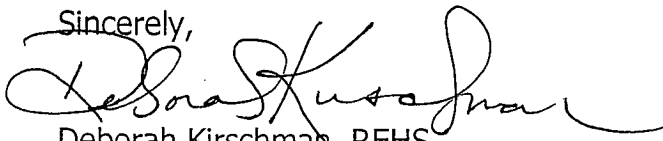
-A Cal ARP dispute resolution procedure has been established. A copy of the resolution procedures is attached.

Deficiency 15

- Environmental Health has had a vacancy in the position of Director for some months. In August, this position was filled. Our new Director, Jill Pahl, plans to arrange a meeting with the County Agricultural Commissioner in order to ascertain their level of interest in the program for agricultural handlers. If a lack of interest is confirmed we will request information from the Ag Commissioners office on agricultural handlers who may be subject to the program. Upon receipt of this information we will begin requesting business plans.

Should you have any questions or desire additional information, please do not hesitate to contact me at 530-745-2300.

Sincerely,



Deborah Kirschman, REHS
Hazardous Materials Section

Inspection - Enforcement Program Plan

I. Inspection Component

A. Inventory of Regulated Businesses

This information is taken from Title 27, Report #3, Annual Inspection Summary Report).[Information from Envision 9-11-06]

Program Elements	Number of Businesses
Hazardous Materials Release Response Plans	756
CalARP	9
UST Facilities	101
AST Facilities	NA
Generators (RCRA and Non-RCRA)	393 (34LQG)
RCRA Large Quantity Generators (>1,000 kg/month)	5
Recyclers	
Onsite Hazardous Waste Treatment (All)	9
PBR	
CA	3
CE	4
Permit by Rule – HHW	2

B. Frequency of Inspections

The required frequencies for inspections are as follows:

<u>Program</u>	<u>Inspection Frequency Goals</u>
Hazardous Materials Release Response Plans [HSC Section 25508 (b)]	Once every 3 years
Cal/ARP* (CCR Title 19 Section 2775.3)	Once every 3 years
UST Facilities [HSC Section 25288 (a)]	Once per year
AST Facilities	None
Generators (All)	None
RCRA Large Quantity Generators	None
Recyclers	None
Onsite Hazardous Waste Treatment (All) [HSC Section 25201.4 (b)(2)]	Every 3 years
PBR [HSC Section 25201.4 (b)(2)]	Every 3 years
CA [HSC Section 25201.4 (b)(2)]	Every 3 years
CE [HSC Section 25201.4 (b)(2)]	Every 3 years
Permit by Rule – HHW [HSC Section 25201.4 (b)(2)]	Every 3 years

CESQG and UW handlers (less than HMBP thresholds)-Placer County CUPA will dedicate approximately 5% of our hazardous waste resources annually to regulatory oversight activities including the following:

- Spot check inspections (goal is 10 per year)

- Complaint investigations

- Educational/ information upon request

- Follow-up to emergency responses

*Note: Facilities subject to the Cal/ARP regulations must have an inspection conducted once every 3 years for compliance to Title 19, Chapter 4.5. Cal/ARP facilities must also have an audit conducted periodically to review the adequacy of RMPs submitted under Chapter 4.5, Article 3.

Program Elements**Inspection Frequency
Goals**

Hazardous Materials Release Response Plans

Once per year

Cal/ARP

Once every 3 years

UST Facilities

Once per year

AST Facilities

Once per year

Generators (RCRA and Non-RCRA)

Once per year

RCRA Large Quantity Generators(>1,000 kg/month)

Once per year

Recyclers

Once per year

Onsite Hazardous Waste Treatment (All)

Once per year

PBR

Once per year

CA

Once per year

CE

Once per year

Permit by Rule – HHW

Once per year

CESQG and UW handlers (less than HMBP thresholds)-Placer County CUPA will dedicate approximately 5% of our hazardous waste resources annually to regulatory oversight activities including the following:

Spot check inspections (goal is 10 per year)

Complaint investigations

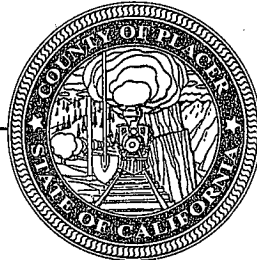
Educational/ information upon request

Follow-up to emergency responses

C. Provisions to promote integrated multi-media inspections

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Placer County Cal ARP Program Dispute Resolution Procedures

Disputes arising between the owner or operator of a stationary source and the Placer County CUPA under Chapter 4.5, Title 19, of the California Code of Regulations shall first be decided by the CUPA pursuant to the following dispute resolution process:

The owner or operator of a stationary source may initiate the dispute resolution process by serving the CUPA with prompt, written notice of a dispute.

The Director of Environmental Health will resolve disputes arising under this Chapter.

The Director of Environmental Health will establish the timetable for providing additional information and supporting materials to the CUPA;

The CUPA will render a written decision within 120 days after the owner or operator of a stationary source initiates the dispute resolution process; and,

The owner or operator of a stationary source may appeal the decision of the CUPA to the Director of the California Office of Emergency Services by serving the Director with written notice of appeal. The notice of appeal shall be accompanied by:

- (1) A copy of the decision of the Placer County CUPA,
- (2) A copy of any written material that the owner or operator submitted to the CUPA during the dispute resolution process that the stationary source would want the Director to consider, and,
- (3) A concise statement of the grounds upon which the owner or operator disputes the decision rendered by the CUPA. The notice of appeal and accompanying materials shall be served on the Director and the CUPA by

certified mail, return receipt requested. Such service shall be accomplished no later than 30 days after the CUPA renders its decision, or, if the CUPA fails to render a timely decision, no later than 150 days after the owner or operator initiated the dispute resolution process with the CUPA.

After receipt of the notice of appeal and accompanying materials, the Director shall provide a written acknowledgment of such receipt to the appealing party and the Placer County CUPA. At the time that the Director sends this acknowledgment, or at any later time, the Director, in his or her discretion, may request further materials, information or briefing from the stationary source or the CUPA, and the Director may set schedules for the submission of such materials, information or briefing. The Director shall also provide the opportunity for public comment on the dispute, and shall allow the stationary source and the CUPA the opportunity to respond to any comments submitted by the public.

(d) Within 120 days after the service of the notice of appeal, or, if the Director requires additional time in order to deal with the submission of materials, information, briefing, public comments or responses to public comments, within such extended time as is set by the Director, the Director shall issue his or her decision. The dispute shall be resolved according to the discretion of the Director. The Director's decision shall be binding on all parties:

(e) Exhaustion of this dispute resolution process shall not be a prerequisite to the initiation, prosecution or conclusion of any criminal or civil enforcement action brought by the CUPA, the Placer County District Attorney or the State pursuant to Sections 25540, 25540.5, 25541, 25541.3, 25541.5 of HSC or any other provision of law.

Note: Authority cited: Sections 25531 and 25534.05, Health and Safety Code.
Reference: Section 25534.05(a)(3), Health and Safety Code.

Ref:calarpdisputeresolutionprocess0ct06

Cal/EPA's Response to Placer County's Deficiency Status Report

CUPA: Placer County Environmental Health Services

Date of Evaluation: July 19 and 20, 2006

Date of Update: October 17, 2006

Cal/EPA's response

1. Cal/EPA is unable to verify if the actions taken by Placer County has corrected this deficiency. Provide Cal/EPA with evidence that proves Placer County is documenting compliance actions taken by businesses in response to violation(s).
2. Placer County submitted their FY 04/05 self-audit. However, the Preliminary Corrective Action also requires Placer County to submit the FY 05/06 self-audit. Therefore, Placer County will need to provide Cal/EPA with a copy of their FY 05/06 self-audit in order to completely correct this deficiency.
3. Cal/EPA is satisfied with the progress Placer County is making towards correcting this deficiency. The CalARP Performance Audits will be assessed at the next CUPA evaluation. It is the CUPA's option to include this information in the self-audit.
- 4, 5, and 6. Cal/EPA is satisfied with the progress Placer County is making towards correcting these deficiencies. Provide Cal/EPA with an update in the next deficiency status report that is due January 16, 2007.
7. Previously Corrected
8. Corrected - The update contains all the requirements.
9. Placer County reviewed and updated their EIP in July 2006. However, the Preliminary Corrective Action also requires Placer County to review the EIP in July 2007. Therefore, Placer County will need to review their EIP in July 2007 in order to completely correct this deficiency.
10. Cal/EPA is satisfied with the actions taken by Placer County to address this deficiency; however, Cal/EPA is unable to verify if these actions have corrected this deficiency. Provide Cal/EPA with proof that violations are clearly documented as violations, and that they include the basis of the violation, and the corrective action to be taken by submitting copies of three recently completed inspection reports.
11. Corrected – The revised Inspection and Enforcement Plan as well as the course of actions identified and/or taken by Placer County has corrected this deficiency.
12. Cal/EPA is satisfied with the progress Placer County is making towards correcting this deficiency. Provide Cal/EPA with an update in the next deficiency status report that is due January 16, 2007.
13. Cal/EPA is satisfied with the progress Placer County is making towards correcting this deficiency. Provide Cal/EPA with an update in the next deficiency status report that is due January 16, 2007. Placer County will also need to reflect this progress in the annual self-audit and on the Annual Inspection Summary Report, (Report #3).

14. Corrected - The Cal/ARP dispute resolution procedure provided meets all of the requirements.
15. Cal/EPA is satisfied with the progress Placer County is making towards correcting this deficiency. Provide Cal/EPA with an update in the next deficiency status report that is due January 16, 2007.

In addition to the identified deficiencies, Placer County needs to follow up with Observation 12 from the evaluation.

Observation #12 In the CUPA Final Evaluation Report (April 2003), SFM agency notes indicate that the CUPA was not aware that South Placer Fire Protection District has initiated a permit and fee process for hazardous materials storage for quantities of hazardous materials that are within the threshold requirements of the Business Plan. This was confirmed with Debbie Kirschman, Placer CUPA representative, and she is not aware whether South Placer Fire Protection is actually doing it or not.

Recommendation: The CUPA should ensure that all fire agencies within their jurisdiction that there is no duplication in collecting fees or conflicting requirements and if any, take necessary action to resolve these issues i.e., consolidate the Business Plan requirements. The CUPA should be aware that the fire agencies have the authority under the California Fire Code to establish fees, and require permits and HMISs for quantities under the threshold amounts specified in the Business Plan. To assist in emergency response planning, these meetings should include discussions of the HMISs and the fire agencies need for fire hazard class information to be specified on the forms. Documentation of these meetings should be maintained.

Cal/EPA Response: Provide Cal/EPA with an update on the actions taken by Placer County to either ensure there is no duplication in collecting fees or explain the steps taken to resolve this if there is in fact duplication in collecting fees.